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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,172	01/16/2002	Satoshi Inami	2002-0022A	2339
513	7590 09/07/2005		EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			RIMELL, SAMUEL G	
2033 K STREET N. W. SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006-1021			2165	
			DATE MAILED: 09/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   APPlication	Y)	·					
Period for Reply  ART Unit Sam Rimel 2165  - The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE of THIS COMMUNICATION.  Editable of time may be available under the proficient of 37 CFR 1.136(). In or event, however, may a reply be timely filled  If the period for rely to appelled above, the maniform statutory prior within the statutory minimum of thing (30) days will be considered timely.  If the period for rely to appelled above, the maniform statutory prior will not be the prior time to the statutory and the publication in the publication of the publication to the publication of the publication and shallow the 50 s.C. § 133.  Status  1) Responsive to communication(s) filled on		Application No.	Applicant(s)				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tem may be available under the provision of 3 CPR 1.13(6). In no event, however, may a reply be timely filed other SX (6) MONTHS from the mailing date of this communication. 99 within the shalled principum of thinty (80) days will be considered timely.  If NOP motified for reply is specified above, the maximum statebory priced will be provided by the price of the reply within the shall of the reply will be a considered timely.  If NOP motified for reply is specified above, the maximum statebory priced will apply and will expire (50) (80) MONTHS from the mailing date of this communication.  Fallure to reply within the set of ordended priced for reply will, by stateby, cause the application to become ARANDONED (35 U.S.C. § 133). Any reply received by the drive into the three himself and the mailing date of this communication, even if threely filed, may reduce any example particles and particles and particles and particles and particles.  Image: Provided the set of the communication, even if threely filed, may reduce any example particles and particles.  In accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 15-34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 15-34 is/are particles and provided to communication.  6) Claim(s) 15-34 is/are objected to.  8) Claim(s) 15-34 is/are objected to by the Examiner.  Old The ordening(s) filed on is/are callowed.  Claim(s) 15-34 is/are objected to by the Examiner.  Applicant or page: set of the provided page is an expected of the page is a communication.  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made o							
1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a)  This action is FINAL. 2b)  This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)   Claim(s)	Status						
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U.S. Patent and Trademark Offic PTOL-326 (Rev. 1-04) The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

<u>Claim 15:</u> Claim 15 has been amended to refer to "a transmission data determining unit for determining, among the generated data stored in the generated data storage unit, the transmission data to be transmitted...".

The original disclosure only contains one single mention of a "transmission data determining unit" (page 5, last paragraph of specification), and describes its functions as follows:

"a transmission data determining unit for determining, based on transmission information specifying data, the transmission data to be transmitted.."

The original disclosure does not state that the transmission data determining unit makes its determination from amongst generated data stored in a generated data storing unit. There is no other discussion in the disclosure of a "transmission data determining unit", except for what is quoted herein.

Accordingly, the quotation cited above from claim 15 is new matter, as it describes features that were not originally disclosed.

Claims 16-20: Depend on claim 15.

Claim 21: Claim 21 has been amended to refer to "storing the data generated due to

execution of the application" and "determining, from amongst the stored generated data, the

transmission data to be transmitted to the server based on said transmission information

specifying data;"

The original disclosure makes its closest reference to this concept at page 26, last

paragraph, where it states:

"The transmission data generating unit then determines the transmission data amongst

the generated data (step S82)."

The original disclosure further states (page 19, paragraph 0051):

"The application executing unit 42 is realized by the CPU 11 and RAM 12 that execute

the application 131. Here, data generated by the application executing unit is called generated

data."

The original disclosure does not state that determination is made from amongst the stored

generated data, where the data is derived from the execution of the application. Instead it states

that the determination is made from amongst data generated by the application executing unit,

which is not the data generated by the application itself.

Accordingly, the determining step quoted from claim 21 above is new matter, as it

describes features that were not originally disclosed.

Claims 22-26: Depend on claim 21.

Claim 27: Same rationale as set forth for claim 15.

Claims 28-30: Depend on claim 27.

Claim 31: Same rationale as for claim 21.

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Claims 32-34: Depend on claim 31.

## Remarks

Applicant's arguments are moot in light of the new grounds of rejection.

This action follows the filing of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

Sam Rimell Primary Examiner Art Unit 2165